

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.54386-M of 2006

Date of Decision:- 20.02.2007

Bikramjit Singh & anr.

....Petitioner(s)

through

Mr.D.S.Pheruman, Advocate

vs.

State of Punjab & ors.

....Respondent(s)

through

Mr.B.S.Baath, AAG, Punjab.

Mr.Chanchal K.Singla,
Advocate for C.B.I.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

SURYA KANT, J.

In this petition under Section 482 Cr.P.C., the petitioners have come up for issuance of a direction to the respondents to register a cross-case against the opposite party and thereafter to hand over investigation of case F.I.R.116 dated 12.6.2006 under Sections 302, 307, 34 IPC read with Sections 25, 54, 59 of the Arms Act registered at Police Station Lopoke, Police District Majitha, to some independent agency.

It may be stated here that petitioner No.1 is facing trial in the above-stated F.I.R. for committing the alleged murder of one Makhan Singh. Petitioner No.2 is his mother.

The gravamen of the allegations is that it was the opposite party which forcibly entered on the land of the petitioners and attacked them. To substantiate the said plea, learned counsel for the petitioners relies upon an enquiry report dated 5.7.2006 purported to have been submitted by the Crime Branch of the Punjab Police, a copy of which has been appended as Annexure P-7 with the Rejoinder.

On the other hand, the stand of the respondents/investigating agency is that much before the enquiry conducted by the Crime Branch, pursuant to which the report Annexure P-7 is stated to have been submitted, the case was investigated by the local police and a chargesheet was presented, whereafter charges have been framed against petitioner No.1. It is also the case of the learned State counsel that before conducting enquiry/investigation, the Crime Branch did not obtain any permission from the learned trial Court nor the Court issued any direction for further investigation in terms of Section 173 (8) Cr.P.C.

After hearing learned counsel for the parties at length and going through the report Annexure P-7 which is being relied upon by the petitioners, I am of the considered view that the entire issue has to be left to the discretion of the learned trial Court. While the petitioners shall be at liberty to rely upon the report of the Crime Branch (Annexure P-7) at an appropriate stage, it is for the learned trial Court to test the veracity thereof and thereafter to take appropriate action in accordance with law. Needless to say that if the learned trial Court finds the said report trustworthy, an appropriate direction to take action against those who, according to the petitioners, were the aggressors, shall automatically follow.

With these observations and directions, this petition is disposed of.

February 20, 2007
poonam

(SURYA KANT)
JUDGE